

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

DR. MILTON PRYSTOWSKY, in his  
own right and as EXECUTOR OF THE  
ESTATE OF ROSE PRYSTOWSKY

Plaintiff,

vs.

TGC STORES, INC., ADT SECURITY  
SERVICES, INC., INVACARE  
CORPORATION, GOLDEN  
BROTHERS, INC. d/b/a GOLDEN  
TECHNOLOGIES, PRIDE MOBILITY  
PRODUCTS CORP. and JOHN DOES  
4-10

Defendants.

Civil Action No.:  
2:07-cv-00072-SDW-MCA

**ORDER**

This matter having come before the Court on Motion of PHOENIX MECANO, INC. and its unincorporated division, DEWERT MOTORIZED SYSTEMS ("Phoenix"), for partial summary judgment, and the Court having duly considered the moving papers submitted in support of Phoenix's motion and opposition thereto, and finding merit in said motion and for other good cause appearing;

IT IS on this day of March 28, 2010;

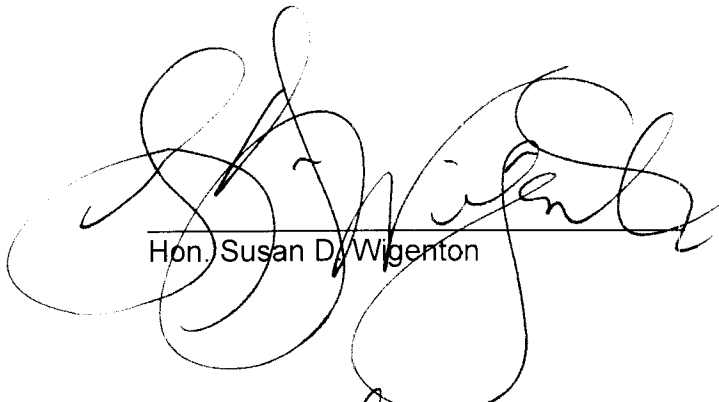
**ORDERED** that Phoenix's motion for partial summary judgment dismissing all claims and cross-claims against Phoenix seeking damages,

indemnification, and contribution for personal injuries sustained by plaintiffs as  
time-barred under N.J.S.A. 2A:14-2, is ~~DENIED~~ **GRANTED**;

**ORDERED** that Phoenix's motion for partial summary judgment  
dismissing all claims and cross-claims against Phoenix seeking damages,  
indemnification, and contribution for the Wrongful Death of Rose Prystowsky, as  
time-barred under N.J.S.A. 2A:31-3, is ~~DENIED~~ **GRANTED**; and,

**IT IS FURTHER ORDERED** that Phoenix's motion for summary judgment  
dismissing all claims and cross-claims against Phoenix on the grounds that the  
Second Amended Complaint is procedurally invalid and a nullity and the Court  
lacks personal jurisdiction over Pride who purportedly joined Phoenix to this  
action is ~~DENIED~~ **GRANTED**.

A copy of the within Order shall be sent to all counsel within 7 days of  
the date hereof.

  
Hon. Susan D. Wigenton

*\*For the reasons set forth on the record on  
March 23, 2011.  
SDW*